UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,343	07/08/2003	Gabor Bajko	59643.00228	7843

32294   7590   10/27/2008
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ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
10/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 August 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-10,13,22-25,46 and 56-71_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-2, 4-10, 13, 22-25, 46, 56-71_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _6/6/2008_.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 8/8/2008 have been fully considered but they are not persuasive.

2.   Applicant begins, on pages 10 - 11, by summarizing independent claims 1, 22, 25 and 46. Applicant next, on page 12, provides their own interpretative summary of Jennings and Marshall.

3.   Applicant next, on page 13, argues that Jennings and Marshall fail to disclose claim 22. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

4.   Applicant next argues that the claim language of 22 is "analogously recited in claims 25 and 46. However, claim 25 deals only with "a message received at a first network that has **not** been through a security check"; claim 22 on the other hand discusses determining "whether a message received at a first network has been through a security check". Applicant's claim language thus is not analogous.

5.   Applicant next again provides their own interpretative summary of Jennings and Marshall, not providing any support for their interpretation. Applicant next argues that Jennings "does not disclose that, for example, a determination is made as to whether or not a message has been received with security . . .". Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the

claims define a patentable invention without specifically pointing out how the language

of the claims patentably distinguishes them from the references.

6.   Applicant continues by arguing that "In Jennings, the use of extension sis only

applicable inside an administrative domain with previously agreed-upon policies for

generation, transport and usage of such information". Applicant also argues that

"Marshall discloses that the use of these extensions are only applicable inside an

administrative domain, or among federations of administrative domains with previously

agreed-upon policies for usage of such information." However, Applicant does not

provide support for their assertions, and Applicant does not relate their argument to

claimed subject matter and thus Applicant's arguments are not persuasive.

7.   Applicant next argues that "Soininen, similar to Jennings and Marshall, fails to

disclose or suggest" claim 22. Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references.

8.   Next Applicant provides their own interpretative summary of Soininen, arguing

that "Instead Soininen discloses scenarios where the user equipment connects to nodes

in other networks" and "does not disclose that, for example, a determination is made as

to whether or not a message has been received with security at a first layer". Applicant's

arguments are again unpersuasive as no support is provided for Applicant's

interpretation of Soininen.

9.   Applicant's specific arguments thus are unpersuasive. However, the Examiner

agrees that the currently cited art does not teach of all the claim language as amended,

and thus new grounds of rejection have been made, which are detailed below.

Claim Rejections - 35 USC § 112

10.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

11.   Claim 2 recites the limitation "the receiver" in lines 1 and 2. There is insufficient

antecedent basis for this limitation in the claim.

12.   Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. It is unclear what is meant by "security server is **configured to**

messages via" (emphasis added).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 1, 2, 4-10, 22-25, 46 and 56-71 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Jennings and Peterson (RFC 3325 Internet Draft,

http://tools.ietf.org/html/draft-ietf-sip-asserted-identity-00, May 27, 2002), hereafter

Jennings, in view of W. Marshall et al. (draft-ietf-sip-privacy-04.txt, February 27, 2002),

hereafter Marshall, further in view of 3GPP TSG SA WG3 Security – S3#18, Proposed

changes to 33.2000 about Za, Zb, Zc interfaces, hereafter 3GPP.

15.   Regarding claim 1, Jennings shows a determining configured to determine

whether a message received at a first network has been through a security check by

determining whether or not the message has been received with security (i.e., from a

node that is in its "trust domain", see section 5)

        a forwarder configured to forward the message within said first network

regardless of the result of the determination (section 4)

        and utilizing security indications on the Application layer (via showing P-

Asserted-Identity used in the SIP header, which is an Application layer protocol, the top-

most network layer).

        Jennings shows when a message *will* not go through a security check, then

modifying the message (pg. 6, paragraph 1) but does not show modifying when a

message *has not been* through a security check. Also, Jennings does not explicitly

show wherein the message has been received with security at a first layer.

        Marshall shows a modifier configured to modify the message so as to indicate

that the message has not been through a security check if the result of the

determination is that the message has not been through a security check (7.5).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of Jennings with that of Marshall because both

disclosures are IETF drafts addressing SIP, and are thus designed to complement each

other and be used together.

Jennings in view of Marshall do not explicitly show where the message that has been received with security is at a first layer.

3GPP shows utilizing the Za interface, which utilizes IPSec, a Network layer protocol, to deliver messages with security (pgs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Jennings in view of Peterson and 3GPP in order to further utilize developing standards, helping to assure compliant and predictable operation.

Jennings in view of Marshall and 3GPP thus teach all of claim 1.

16.   Regarding claim 2, Jennings in view of Marshall and 3GPP further show wherein the receiver is configured to receive messages via a secure interface and a second network (3GPP, Fig. 1, Jennings, section 5) and directly from outside the first network (Jennings, sections 5 and 6).

17.   Regarding claim 4, Jennings in view of Marshall and 3GPP further show wherein the message includes a second layer identity header (Jennings, Sections 4 and 5, represented the SIP header which includes P-Asserted-Identity), and wherein the modifier is configured to include said second layer indication in said second layer identity header of the message (Jennings, sections 4 and 5).

18.   Regarding claim 5, Jennings in view of Marshall and 3GPP further show wherein the message comprises a session initiation protocol message (Jennings, section 5).

19.   Regarding claim 6, Jennings in view of Marshall and 3GPP further show wherein the identity header comprises a P-Asserted-Identity (Jennings, 5 and 12).

20.   Regarding claim 7, Jennings in view of Marshall and 3GPP further show wherein the message includes a second layer identity header, and wherein the modifier is further configured to modify the message so as to indicate that the message has not been through a security check by removing at least part of the second layer identity header (Marshall, 6.1 and 7.5).

21.   Regarding claim 8, Jennings in view of Marshall and 3GPP further show a detector configured to detect whether the second layer identity header is of a particular type and if so to remove at least part of the header (Jennings, 4 and 7).

22.   Regarding claim 9, Jennings in view of Marshall and 3GPP further show wherein the message comprises a session initiation protocol message (Jennings, 7).

23.   Regarding claim 10, Jennings in view of Marshall and 3GPP further show wherein the detector is configured to detect whether the second layer identity header comprises a P-Asserted-Identity type (Jennings, 7).

24.   Regarding claim 22, Jennings in view of Marshall and 3GPP further show a system comprising a security server (Marshall, 6.1) and

        a network processing element, the security server being configured to receive a message, determine whether the message has been through a security check by determining whether or not the message has been received (Jennings, sections 4 and 5) with security at a first layer (3GPP, pgs. 1 and 2), if the result of the determination is that the message has not been through a security check modify the message so as to

include a second layer indication (Jennings, 4 and 12) that the message has not been

through a security check (Marshall, 7.5) wherein said second layer is a higher layer than

said first layer (where the Za interface using IPSec operates on the Network layer;

3GPP, pg. 2, and the SIP header modifying operates on the higher Application layer;

Jennings, sections 4 and 12) and forward the message to the network processing

element regardless of the result of the determination (Jennings, 4 and 5).

25.   Regarding claim 23, Jennings in view of Marshall and 3GPP further show

wherein the security server is configured to messages via a secure interface (3GPP, pg.

2) and another security domain and directly from outside the system (Jennings, sections

5 and 6).

26.   Regarding claim 24, Jennings in view of Marshall and 3GPP further show

wherein the network processing element is configured to receive a message forwarded

by the security server and determine whether the message has been modified so as to

include a second layer indication that the message has not been through a security

check, and if the message has been so modified, perform one or more security checks

in respect of the message (Jennings, section 5 and Marshall, 6.1 and 7.5)

27.   Regarding claim 25, Jennings in view of Marshall and 3GPP further show

determining that a message received at a first network has not been through a security

check by determining that the message has not been received with security at a first

layer (Jennings, sections 4 and 5 and 3GPP pg. 2)

       modifying the message so as to include a second layer indication that the

message has not been through a security check, wherein the second layer is a higher

layer than the first layer (Marshall, 6.1 and 7.5); and

forwarding the message within the first network (Marshall, 7.5).

28.   Regarding claim 46, Jennings in view of Marshall and 3GPP further show

determining means for determining whether a message received at a first network has

been through a security check by determining whether or not the message (Jennings,

sections 4 and 5) has been received with security at a first layer (3GPP, pg. 2)

modifying means for, if the message is determined not to have been through a

security check, modifying the message to include a second layer indication that the

message has not been through a security check, wherein the second layer is a higher

layer than the first layer (Jennings, sections 4 and 12 and Marshall, 7.5)

forwarding means for forwarding the message within the telecommunications

network regardless of whether the message has been through a security check

(Jennings, 4).

29.   Regarding claim 56, Jennings in view of Marshall and 3GPP further show

wherein the message includes a second layer identity header, and comprising including

said second layer indication in said second layer identity header of the message

(Jennings, Sections 4, 5 and 12).

30.   Regarding claim 57, Jennings in view of Marshall and 3GPP further show

wherein the message comprises a session initiation protocol message (Jennings,

Sections 4, 5 and 12).

31.   Regarding claim 58, Jennings in view of Marshall and 3GPP further show

wherein the identity header comprises a P-Asserted-Identity (Jennings, Sections 4 and

12).

32.   Regarding claim 59, Jennings in view of Marshall and 3GPP further show

wherein the message includes a second layer identity header, and comprising modifying

the message so as to include a second layer indication that the message has not been

through a security check by removing at least part of the second layer identity header

(Jennings, 4 and 12 and Marshall, 6.1 and 7.5).

33.   Regarding claim 60, Jennings in view of Marshall and 3GPP further show

detecting whether the second layer identity header is of a particular type and if so

removing at least part of the header (Jennings, 4 and 7).

34.   Regarding claim 61, Jennings in view of Marshall and 3GPP further show

wherein the message comprises a session initiation protocol message (Jennings, 4 and

12).

35.   Regarding claim 62, Jennings in view of Marshall and 3GPP further show

detecting whether the second layer identity header comprises a P-Asserted-Identity

(Jennings, Sections 4 and 12).

36.   Regarding claim 63, Jennings in view of Marshall and 3GPP further show

wherein said security at a first layer is security applied to a message at a security

interface between two security domains (3GPP, Fig. 2, pg. 2).

37.   Regarding claim 64, Jennings in view of Marshall and 3GPP further show

wherein said security interface is a Za interface (3GPP, Fig. 2, pg. 2).

38.   Regarding claim 65, Jennings in view of Marshall and 3GPP further show

wherein said forwarder is configured to forward said message over a Zb interface

(3GPP, Fig. 2, pg. 2).

39.   Regarding claim 66, Jennings in view of Marshall and 3GPP further show

wherein said security at a first layer is security applied to a message at a security

interface between two security domains (3GPP, Fig. 2, pg. 2).

40.   Regarding claim 67, Jennings in view of Marshall and 3GPP further show where

said secure interface is a Za interface (3GPP, Fig. 2, pg. 2).

41.   Regarding claim 68, Jennings in view of Marshall and 3GPP further show

wherein said security server is configured to forward said message to said network

processing element over a Zb interface (3GPP, Fig. 2, pg. 2).

42.   Regarding claim 69, Jennings in view of Marshall and 3GPP further show

wherein said security at a first layer is a security applied to a message at a secure

interface between two security domains (3GPP, Fig. 2, pg. 2).

43.   Regarding claim 70, Jennings in view of Marshall and 3GPP further show

wherein said security interface is a Za interface (3GPP, Fig. 2, pg. 2).

44.   Regarding claim 71, Jennings in view of Marshall and 3GPP further show

comprising forwarding said message within said first network over a Zb interface

(3GPP, Fig. 2, pg. 2).

45.   Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings

in view of Marshall as applied to claim1 above, and further in view of Soininen (RFC

3574 Internet Draft, http://tools.ietf.org/html/draft-ietf-v6ops-3gpp-cases-00, September,

2002).

Jennings and in view of Marshall and 3GPP show claim 1.

Jennings and in view of Marshall and 3GPP do not show an interrogating call session control function.

Soininen shows where an apparatus comprises and utilized an interrogating call session control function (Section 3.2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Jennings and in view of Marshall and 3GPP with that of Soininen in order to provide for an SIP system adhering to the 3GPP networking standard (Soininen, Section 3.2).

Conclusion

46.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John M. MacIlwinen whose telephone number is (571)

272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off

alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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